

DOCKET NO. 11-EE161



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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DA 11-1569

Released: September 16, 2011

DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF ONWAV INC. TO TWIN LAKES TELEPHONE COOPERATIVE CORPORATION

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 11-145

Comments Due: September 30, 2011

Reply Comments Due: October 7, 2011

On September 2, 2011, the shareholders of OnWav Inc. (OnWav) and the members of Twin Lakes Telephone Cooperative Corporation (Twin Lakes) (together, Applicants), filed an application pursuant to section 63.03 of the Commission's rules¹ to transfer control of OnWav to Twin Lakes.

OnWav, a Tennessee corporation, is a competitive local exchange company, providing exchange, exchange access and interexchange services primarily in and around Cookeville, Tennessee. OnWav serves approximately 20 access lines (as a reseller of Frontier Communications of Tennessee and AT&T Tennessee) with traditional exchange and interexchange services, as well as voice and data services through a combination of Internet protocol technology and more traditional network platforms. OnWav serves approximately 65 customers through Internet protocol technology in Arizona, California, Colorado, Connecticut, the District of Columbia, Florida, Georgia, Illinois, Kentucky, Massachusetts, Maryland, Montana, North Dakota, New Jersey, Nevada, New York, Ohio, Oregon, Rhode Island, Tennessee, Texas, Virginia and Washington.²

Twin Lakes is a Tennessee cooperative telephone company, providing broadband services, local exchange and exchange access to approximately 32,300 access lines in exchanges in Celina, Moss, Gainesboro, Livingston, Cookeville South, Crawford, Rickman, North Springs, Granville, Highland, Jamestown, Baxter, Clarkrange, Byrdstown and Chestnut in Fentress, Overton, Pickett, Clay and Jackson Counties, Tennessee. In addition, Twin Lakes' wholly-owned subsidiary, Twin Lakes Communications, Inc. provides long distance services to approximately 22,000 customers, including to Twin Lakes'

¹ 47 C.F.R. § 63.03; see 47 U.S.C. § 214. Applicants are also filing applications for transfer of control associated with authorization for international services. On August 16, 2011, the Applicants filed an application for the transfer of control of OnWav's 3.65 GHz radio license WQIH439 (File No. 0004839394). Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications.

² OnWav has state-wide certification within Tennessee, but does not provide competitive service in Twin Lakes' ILEC service territory. Applicants state that OnWav and Twin Lakes have entered into an interconnection agreement in anticipation of a future exchange of traffic, but that it is executory in nature, there being no facilities in place, nor OnWav customers in the Twin Lakes ILEC service territory.

subscribers and to subscribers in Putman County, Tennessee, where it also provides competitive local exchange and exchange access services. Applicants state that no individual owns or controls five percent or more of the interests of Twin Lakes.

Under the proposed transaction, Twin Lakes will purchase all of the issued and outstanding stock of OnWav. Applicants assert that after the consummation of the proposed transaction, OnWav will continue to operate in its current service territory under its existing trade name. Applicants state that, post-consummation, OnWav will continue to offer services pursuant to its current rates, terms and conditions.

Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(ii) of the Commission's rules³ and that a grant of the application will serve the public interest, convenience, and necessity by ensuring no interruption of service, no inconvenience to the affected customers, and no significant diminution in the availability of competitive local services.

GENERAL INFORMATION

The transfer of control identified herein has been found, upon initial review, to be acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Pursuant to section 63.03(a) of the Commission's rules, 47 CFR § 63.03(a), interested parties may file comments **on or before September 30, 2011**, and reply comments **on or before October 7, 2011**. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31st day after the date of this notice.⁴ Comments should be filed using the Commission's Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.

In addition, e-mail one copy of each pleading to each of the following:

- 1) The Commission's duplicating contractor, Best Copy and Printing, Inc., fcc@bcpweb.com; phone: (202) 488-5300; fax: (202) 488-5563;
- 2) Tracey Wilson, Competition Policy Division, Wireline Competition Bureau, tracey.wilson@fcc.gov;
- 3) Christopher Sova, Competition Policy Division, Wireline Competition Bureau, christopher.sova@fcc.gov;
- 4) David Krech, Policy Division, International Bureau, david.krech@fcc.gov; and
- 5) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

Filings and comments are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor,

³ 47 C.F.R. § 63.03(b)(2)(ii).

⁴ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; telephone: (202) 488-5300; fax: (202) 488-5563; e-mail: fcc@bcpiweb.com; url: www.bcpiweb.com.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

For further information, please contact Tracey Wilson at (202) 418-1394 or Christopher Sova at (202) 418-1868.

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